

REMARKS/ARGUMENTS

Claims 1-20 are pending. Claim 1 has been amended.

Statement of Common Ownership

The present Application No. 09/991,133 and U.S. Patent No. 6,352,249 and U.S. Patent No. 6,491,290 were, at the time of the invention of Application No. 09/991,133 was made, owned by Tokai Rubber Industries Ltd.

Rejections

The Examiner rejected claims 1-14 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by Muramatsu (US 5,170,998). Regarding claim 1, the Examiner stated that Muramatsu shows a pneumatically operated active vibration damping device, as in the present invention, comprising a first and a second mounting members 16, 22; an elastic body 14 partially defining a pressure receiving chamber 34; an easily deformable flexible diaphragm 58 partially defining an equilibrium chamber 60; a first orifice passage 68; an elastic oscillating plate 40 partially defining an oscillating air chamber 48; a static pressure control mechanism 52, 52a for controlling the pressure in the oscillating air chamber.

The Examiner rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu (US 5,170,998). The Examiner rejected claims 15 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu (US 5,170,998) in view of Muramatsu (US 6,352,249).

The reasons for rejection are traversed for the following reasons:.

The Examiner stated in "Response to Arguments" that the vibration would be damped depending on the different pressures in the air chamber by changing the pressure in the air chamber 48. **Claim 1** has been amended to more clearly recite that the static pressure control mechanism is adapted to substantially statically change the fluid pressure in the pressure receiving chamber to induce a substantially static elastic deformation of the elastic oscillating plate to change the spring stiffness of the elastic oscillating plate. Muramatsu shows structure for changing the air pressure in the air chamber, but does not show a specific structure that is capable of changing the fluid pressure in the pressure-receiving chamber so as to induce a static elastic deformation of the elastic oscillating plate.

In addition, it should be noted that US Patent No. 6,491,290 B2, which is provided with the information disclosure also relates to a fluid-filled vibration damping device similar to the present invention, except that it discloses a non-active type. This patent has been allowed under the existence of Muramatsu ('998).

For at least these reasons claim 1, as amended, is not anticipated by Muramatsu ('998).

Claims 2-20 each depend either directly or indirectly from the independent claim 1, and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to claim 1. Additionally, these dependent claims require additional elements that when taken in the context of the claimed invention, further patentably distinguish the art of record. For at least these reasons, claims 2-20 are not anticipated or made obvious by Muramatsu ('998) in view of Muramatsu ('249).

In addition, Muramatsu ('249) was commonly owned with the present application and issued after the filing of the present application and therefore is believed to be an improper 103(a) reference.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at (831) 655-2300.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "Michael Lee", with a stylized flourish at the end.

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